

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### “SURGE ARRESTOR”

Case No. P02,0346, the specification of which

(check  
one)      X      is attached hereto.  
              —      was filed on \_\_\_\_\_, as  
                            Application Serial No. \_\_\_\_\_  
                            and was amended on \_\_\_\_\_  
                            (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56.<sup>1</sup>

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below

Prior Foreign Application(s)	Number	Country	Date
<b>101 34 752.9</b>		<b>Germany</b>	<b>July 17, 2001</b>

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<sup>1</sup> (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

Prior Foreign Application(s)  
Number                      Country                      Date

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)  
Number                      Country                      Date

And I hereby appoint all Attorneys Identified by United States Patent & Trademark Office Customer Number 26574, who are all members of the firm of Schiff Hardin and Waite my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Schiff, Hardin & Waite  
Atten: Patent Department  
6600 Sears Tower, Chicago, Illinois 60606 -6473  
Customer Number 26574  
Direct Telephone Number for Mark Bergner: (312) 258-5779

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor, PETER BOBERT

Inventor's signature Peter Bober                      Date 29<sup>th</sup> July 2002  
Residence Falkensee, Germany  
Citizenship Germany  
Post Office Address Kantstrasse 57  
14612 Falkensee, Germany

Full name of second joint inventor KLAUS-DIETER FUHRMANN

Inventor's signature Klaus-Dieter Fuhrmann                      Date 29<sup>th</sup> July 2002  
Residence Berlin, Germany  
Citizenship Germany  
Post Office Address Gartenfelder Strasse 58  
13599 Berlin, Germany

Full name of third joint inventor,

(if any) JUERGEN BOY

Inventor's signature Juergen Boy                      Date 29<sup>th</sup> July 2002  
Residence Berlin, Germany  
Citizenship Germany  
Post Office Address Stolzingstrasse 8b  
13465 Berlin, Germany